

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

FREDERICK SIMONE,
VINCENT GIOACCHINI and
FRANCIS WHITE,

Defendants.

Cr. No. 03-10356-MLW

ORDER

WOLF, D.J.

December 16, 2004

For the reasons stated at the hearing on December 16, 2004, it is hereby ORDERED that:

1. The time in which the defendants shall reply to the government's opposition to the motions to suppress is extended to January 4, 2005.

2. The government shall, by January 7, 2005, inform the court whether it wishes to file a surreply. If so, the surreply shall be filed by January 18, 2005.

3. The parties shall in their respective submissions address whether there are any material differences between Massachusetts and federal law for the motions to suppress and, if they believe there are any such differences, whether the decisions in Commonwealth v. Jarabek, 384 Mass. 293 (1981) and United States v. Jarabek, 726 F.2d 889 (1st Cir. 1984) have any implications for this case.

4. The parties shall, in their submissions of January 4 and

January 7, 2005, inform the court of the status of the defendants' trial dates in state court.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE